

BY ECF

The Honorable Mary Kay Vyskocil
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/22/2021

Re: *American Civil Liberties Union, et al. v. United States Department of Justice et al.*,
19 Civ. 5483 (MKV)

Dear Judge Vyskocil,

Plaintiffs write to respectfully request a stay of the time to petition the Court for attorneys' fees. On September 27, 2021, the Court issued an opinion and order on the parties' cross-motions for summary judgment. Therein, the Court ordered Defendants to produce certain documents by October 22, 2021. Thereafter, the Court granted an extension of the deadline to produce documents pursuant to the Court's Order to November 26, 2021. ECF No. 56. This extension brought the deadline to produce documents in line with the timeframe for the federal agency to submit a notice of appeal under Federal Rule of Appellate Procedure 4(a).

Plaintiffs reserve the right to seek fees in this matter consistent with 5 U.S.C. § 552(a)(4)(E)(i). Plaintiffs respectfully request that the Court stay the time to petition the court for fees and propose to provide the Court with a status report on this matter by December 15, 2021. Defendants have consented to this request. A determination of Plaintiffs' entitlement to fees stands to be affected by an appeal, if taken, and any matters related to the production of documents. For this reason, a stay serves the interest of judicial economy and will reserve the matter until the substantive questions in the case are fully resolved.

In the proposed December 15 status report, Plaintiffs intend to update the Court as to whether an appeal will follow, in which case they propose that the time to petition for attorney's fees be set at fourteen (14) days following the mandate of the appellate court. Alternatively, if no appeal is taken, the Parties intend to attempt to resolve the matter of fees without motion practice and propose to provide the Court with an additional status report within 28 days.

I thank the Court for its consideration of this matter.

DATED: October 21, 2021

Respectfully Submitted,

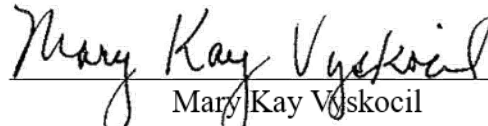
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Granted. SO ORDERED.

Date: 10/22/2021
New York, New York



Mary Kay Vyskocil
United States District Judge